

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 60 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 6-3.5-7-5, AS AMENDED BY P.L.224-2003,
4 SECTION 254, AND AS AMENDED BY P.L.42-2003, SECTION 5,
5 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in
7 subsection (c), the county economic development income tax may be
8 imposed on the adjusted gross income of county taxpayers. The entity
9 that may impose the tax is:
10 (1) the county income tax council (as defined in IC 6-3.5-6-1) if
11 the county option income tax is in effect on January 1 of the year
12 the county economic development income tax is imposed;
13 (2) the county council if the county adjusted gross income tax is
14 in effect on January 1 of the year the county economic
15 development tax is imposed; or
16 (3) the county income tax council or the county council,
17 whichever acts first, for a county not covered by subdivision (1)
18 or (2).
19 To impose the county economic development income tax, a county
20 income tax council shall use the procedures set forth in IC 6-3.5-6
21 concerning the imposition of the county option income tax.
22 (b) Except as provided in subsections (c), (g), (k), ~~and~~ (p), and (r)
23 the county economic development income tax may be imposed at a rate
24 of:

- (1) one-tenth percent (0.1%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);
- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), or (p), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g) or (p), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:

- (A) fifteen-hundredths percent (0.15%);
- (B) two-tenths percent (0.2%); or
- (C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%); if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of ~~twenty-five hundredths~~ **three-tenths of one percent (0.25%); (0.3%);** and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and ~~five-tenths~~ **fifty-five hundredths percent (1.5%); (1.55%);**

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

(1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or

(2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1) resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this

chapter to the extent that the certified distribution results from the difference between:

- (1) the actual county economic development tax rate; and
- (2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and*
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%); if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.*

~~(s)~~ *(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3."*

Page 1, line 3, delete "[EFFECTIVE JULY 1, 2004]:" and insert "[EFFECTIVE UPON PASSAGE]:".

Page 1, line 9, strike "twenty-five hundredths" and insert **"three-tenths of one"**.

Page 1, line 9, strike "(0.25%)" and insert **"(0.3%)"**.

Page 1, line 16, after "financing" delete ",".

Page 1, line 16, delete "constructing, acquiring, renovating, and".

Page 1, line 17, delete "equipping the county courthouse,".

Page 1, line 17, delete "financing and".

Page 2, line 4, delete "constructing, acquiring, renovating, and".

Page 2, line 5, delete "equipping the county courthouse and for".

Page 2, line 10, strike "and".

Page 2, line 14, delete "county." and insert "county; **and**".

Page 2, reset in roman lines 17 and 18.

Page 2, line 17, before "financing" begin a new line block indented and insert:

"(4)".

Page 2, line 17, after "financing" insert ",".

Page 3, after line 2, begin a new paragraph and insert:

"(h) This subsection applies if the county council pledges, before July 1, 2004, county economic development income tax revenues derived from the tax rate imposed under this section to the repayment of bonds issued, or leases entered into, for a purpose described in subsection (c)(1). Notwithstanding any provision to the contrary in a bond ordinance or resolution, a bond issued for

a purpose described in subsection (c)(1) may not be redeemed or called before the bond's final maturity date as stated in the bond ordinance or resolution. The county council shall spend the county economic development income tax revenues derived from the tax rate imposed under this section as follows:

(1) First, to repay a bond issued or lease entered into for a purpose described in subsection (c)(1).

(2) Revenue not used to pay bonds or leases as described in subdivision (1) shall be distributed as follows:

(A) The balance in the county option tax revenue fund on December 31, 2003, that will not be used to pay bonds or leases shall be transferred under subsection (k).

(B) After December 31, 2003, ten percent (10%) of the revenue received under this section that will not be used to pay bonds or leases shall be transferred annually under subsection (k).

(3) After the payments under subdivision (1) and the transfers under subdivision (2), the remaining revenue shall be spent in equal amounts to pay the following:

(A) Costs described in subsection (c)(2) or (c)(3).

(B) Costs described in subsection (c)(4).

(i) If the county council adopts a tax rate under subsection (b), there is created a volunteer fire recommendation panel. The panel shall make recommendations to the county council concerning the expenditure of revenues to pay costs described in subsection (c)(3). The panel consists of five (5) members appointed by the county council who:

(1) are affiliated with a volunteer fire department that is located in or serves the county; and

(2) evenly represent the population distribution of the county.

A member of the panel serves at the pleasure of the county council.

(j) The wages paid for a project described in subsection (c) must be at least equal to the common construction wage (as defined in IC 5-16-7-4) recommended for the project by the department of workforce development.

(k) The following apply to money distributed under subsection (h)(2):

(1) The money shall be transferred to the Randolph County Economic Development Foundation.

(2) The money may be used by the Randolph County Economic Development Foundation only for job training and

1 **job creation programs.**
2 SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding**
3 **IC 6-3.5-7-5, as amended by this act, an ordinance to increase, in**
4 **2004, the additional increment of the county economic**
5 **development income tax authorized under IC 6-3.5-7-22.5, as**
6 **amended by this act, may be adopted at any time before May 1,**
7 **2004.**
8 **(b) This SECTION expires December 31, 2004.**
9 SECTION 4. **An emergency is declared for this act."**
10 Renumber all SECTIONS consecutively.
 (Reference is to ESB 60 as printed February 20, 2004.)

Representative Liggett